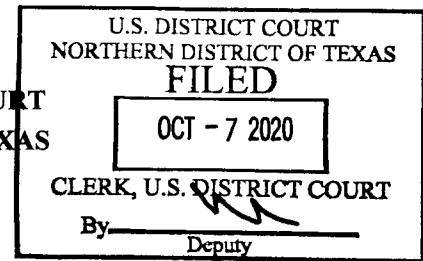


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

JIMMY RAY TYSON

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§

CASE NO. 3:19-CR-303-S (BK)

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE
CONCERNING REVOCATION OF SUPERVISED RELEASE

On this day, pursuant to the referral of the District Judge, Doc. 79, and Defendant's consent, a hearing was held on the *Petition for Person Under Supervision*, Doc. 67, and the *Government Motion to Revoke Supervised Release*, Doc. 58. Defendant Jimmy Ray Tyson appeared in person and by counsel, Dan Gividen. The Government appeared by and through Assistant United States Attorney P.J. Meitl.

After being duly sworn, examined and admonished, Defendant entered pleas of true to the allegations in paragraphs I, II, and III of the *Petition for Person Under Supervision*, Doc. 67 at 1-2. The Court finds that Defendant is fully competent and capable of entering informed pleas, and that his pleas of true to the allegations in paragraphs I, II, and III of the *Petition for Person Under Supervision*, Doc. 67 at 1-2, are knowing and voluntary. Thus, it is recommended that the district judge:

- (1) Accept Defendant's pleas of true to the allegations in paragraphs I, II, and III of the *Petition for Person Under Supervision*, Doc. 67 at 1-2.
- (2) Revoke Defendant's term of supervised release.
- (3) Sentence Defendant to an eight-month term of imprisonment, with credit for time served since his initial appearance on July 24, 2020.

(4) Recommend that Defendant be permitted to serve his prison term in a Bureau of Prisons facility in the Dallas, Texas area.

(5) Impose an additional term of supervised release of 24 months to follow the term of imprisonment.

(6) Impose the following mandatory conditions and additional conditions of supervised release:

(a) The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons;

(b) The defendant shall not commit another federal, state, or local crime;

(c) The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court; and

(d) The defendant shall also comply with the standard conditions recommended by the U.S. Sentencing Commission and shall comply with the following additional conditions:

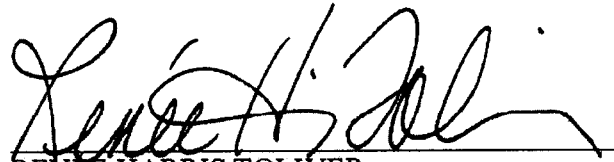
(i) The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic or drug or alcohol dependency which will include testing for the detection of substance use or abuse. The defendant shall abstain from use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month.

- (ii) The defendant shall be monitored by the form of location monitoring in for a period of 180 days (6 months) and shall abide by all technology requirements: Location monitoring technology at the discretion of the officer.

This form of location monitoring technology shall be used to monitor the following restriction on the movement of participants in the community as well as other court-imposed conditions of release.

You are restricted to your residence every day as directed by the supervising officer. You are restricted to your residence at all times, except for employment; education; religious services medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as preapproved by the officer (curfew).

SO RECOMMENDED on October 7, 2020.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).